COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

MINERALS PROGRAM INSPECTION REPORT
PHONE: (303) 866-3567

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

MINE NAME: Everhart Pit	**MINE/PROSPECTING ID#:** M-1997-081	**MINERAL:** Gravel	**COUNTY:** Pueblo
INSPECTION TYPE: Monitoring	**WEATHER:** Clear	**INSP. DATE:** May 17, 2023	**INSP. TIME:** 11:45
OPERATOR: Pueblo County	**OPERATOR REPRESENTATIVE:** Scott Samuelson	**TYPE OF OPERATION:** 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	**BOND CALCULATION TYPE:** None	**BOND AMOUNT:** $0.00
DATE OF COMPLAINT: NA	**POST INSP. CONTACTS:** None	**JOINT INSP. AGENCY:** None
INSPECTOR(S): Amber Michels	**INSPECTOR'S SIGNATURE:** 	**SIGNATURE DATE:** June 20, 2023

The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.

INSPECTION TOPIC: Backfilling & Grading
PROBLEM: Erosion gullies and ruts were observed on-site. This is a problem at this time for failure to protect the affected land from erosion pursuant to C.R.S. 34-32.5-116 (4) (j).
CORRECTIVE ACTIONS: The Operator shall provide photo documentation to the Division verifying erosion gullies and ruts have been repaired, and that the site has have been reconstructed and stabilized to prevent erosion damage by the corrective action date.
CORRECTIVE ACTION DUE DATE: 7/16/23

INSPECTION TOPIC: Hydrologic Balance
PROBLEM: The Operator has committed to maintaining 150 - 200 foot buffer zone with undisturbed vegetative cover between the mining operations and Red Creek. The south-facing side of the buffer zone that was repaired as a problem abatement to the 2019 DRMS inspection remains un-vegetated.
CORRECTIVE ACTIONS: Please provide the Division with evidence that the Operator has taken measures to establish vegetative cover on this south-facing slope to stabilize the buffer zone pursuant to Rule 3.1.6(3) by the corrective action date.
CORRECTIVE ACTION DUE DATE: 7/16/23

INSPECTION TOPIC: Gen. Compliance With Mine Plan
PROBLEM: The Operator has mined at a depth deeper than what is approved in their mining plan. The current mine plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-112 (1)(c)(VI). The Operator must provide sufficient information to describe or identify how the operator intends to conduct the operation.
CORRECTIVE ACTIONS: The operator shall submit a Technical Revision, with the required $216 revision fee, to update and clarify the current approved mine plan to reflect existing and proposed activities by the corrective action date.
CORRECTIVE ACTION DUE DATE: 7/16/23

INSPECTION TOPIC: Signs & Markers
PROBLEM: The affected area boundary markers are missing or incorrectly placed. This is a problem for failure to maintain boundary markers around the affected area as required by Section 3.1.12(2) of the rule.
CORRECTIVE ACTIONS: The Operator shall conduct a survey and replace the boundary markers in the correct location(s). The Operator shall provide proof to the Division that this has been done by the corrective action date.
CORRECTIVE ACTION DUE DATE: 7/16/23

OBSERVATIONS

The Everhart Pit was inspected by Amber Michels with the Division of Reclamation, Mining and Safety (Division/DRMS). The inspection was completed as part of the Division's routine monitoring inspection program. Scott Samuelson with Pueblo County accompanied me during the inspection. The weather was clear and sunny.

The Everhart Pit is located in Pueblo County approximately 20 miles west-southwest of Pueblo, Colorado. The Everhart Pit is a 280-acre 112c Construction Materials Reclamation Permit, with a maximum allowed disturbed area of 10 acres. The primary commodity mined at the site is sand and gravel for road base and repair. The approved post-mining land use is rangeland. The mine site was surrounded by the following land uses: rural residential and rangeland.

Acid or Toxic Chemicals:
A fuel storage container was observed along the southern border within the active pit (Photo 45). No spills or leaks were observed and the concrete berm appears to be in good condition. A containment berm surrounds the base of the fuel tank to prevent any possible contamination of the underlying sediment and of the hydrologic balance if a leak were to occur.

Backfilling and Grading:
A problem was cited above for the presence of erosion gullies and ruts. In the eastern perimeter of the pit, an excessive erosion gully has formed that cuts east and north into the elevated land to the east of the active pit (Photos 3-8; Map 2). The Operator stated that they will have equipment at the pit within a few weeks of the inspection that will be used to repair the erosion gully and the damage to the eastern perimeter (Photo 7) using the small stockpiles of test material (Photos 46 and 74). The Operator will need to provide photo evidence to the Division that the erosion has been repaired and the land has been stabilized by the corrective action date.

Financial Warranty:
The Division currently holds no financial warranty because the Everhart Pit is a county operation.

Hydrologic Balance:
Standing water was observed throughout the pit, primarily in the south-western corner and in the north-eastern corner (Photos 9, 10, 25, 26, 30, 31, 38, 40-42, and 46). The area has seen a high accumulation of precipitation within the weeks leading up to the inspection, causing the site to have small ponds throughout. The ponds are relatively shallow, but combined they cover a significant amount of surface area. The Operator stated that this area is generally very dry, and water infiltrates within 72 hours, however they have undergone many days with continued rainfall and were expecting more over the next few days.

During the 2019 DRMS inspection, the Operators were found to have affected land within 150-200 feet of Red Creek. This was cited as a problem in the report, and the Operator provided photo evidence and an explanation that the 150 foot buffer zone was restored with the construction of a perimeter berm. Inspection point B on Map 3 indicates the extent of the northern disturbance at this site. This also delineates the northern edge of the berm constructed to restore the site's buffer zone. Photo 20 indicates the sloped buffer zone berm area that was constructed. The berm is stable, and the berm's dimensions allow water and any run-

off to flow into the pit and away from the creek. However, according to the mining plan, the buffer zone is to be comprised of undisturbed vegetative material. At the time the berm was constructed, the narrative stated that the berm was to be seeded. During the 2023 inspection, the berm has vegetation on its northern side, but the slope daylighting south into the pit does not have an established vegetative cover. **A problem has been cited** due to the lack of established vegetation on this slope. Please revegetate this slope and provide the Division with photo evidence illustrating that measures have been taken to establish vegetation within the buffer zone by the corrective action date.

The other perimeter berms on the north and west side nearest Red Creek (Photos 30, 34-36, and 40) are also stable and are constructed in a way that allows water and run-off to flow into the pit as well. As a reminder, any areas that are within 150-200 feet of Red Creek need to maintain an undisturbed vegetative cover that will remain unaffected by additional mining activities.

Gen. Compliance With Mine Plan:

The Operator is mining periodically when gravel is in demand as per their approved mining plan. During the inspection, the Operator stated that the most recent mining disturbance was conducted last winter (winter 2022/2023) and that all crushing is still done by contracted entities when needed. The Operator also stated that there will be a loader at the pit within a few weeks of the inspection to haul product off-site and to smooth out the pit floor. Stockpiles of gravel were placed within the south-western corner of the pit (Photos 2-4, 30, 39, 40, and 42), and some larger material to be crushed was stockpiled in the north-eastern corner of the pit (Photo 27). Some screening equipment was also observed onsite (Photo 28). All slopes in and around the pit appear to be at a 3H:1V slope, with the exception of the northern slopes in the north-east corner that may be at a 2H:1V in some areas. The Division reminds the Operator that the mining plan states that slopes will be kept at a maximum of 3H:1V.

The Operator's mining plan states that the mining operations will be limited to less than 10 acres at a time. The plan also states that reclamation will be ongoing and will occur on an average of every 6 acres throughout mining operations. During the inspection, the Division used the Esri Field Maps application to geo-locate the extent of the recent disturbance. The Division estimates there to be approximately 12.2 acres of land that has been affected (Map 3). However, the Division also estimates that approximately 2.81 acres have been reclaimed concurrent to mining operations (Map 3). Therefore, it appears that the active mining area has remained under 10 acres during any given time. The Division reminds the Operator to ensure that reclaimed areas remain protected from any further impact by mining operations.

The recently disturbed area in the north-eastern corner of the pit appears to have been mined at a depth of approximately 19 feet (Figure 1). There is an accumulation of water at the base of the slopes in this area (Photos 25 and 26) The Operator's mining plan states that they planned to mine at a depth between 10 and 15 feet to avoid the possibility of encountering groundwater. **A problem was cited** for mining at a deeper depth than what is approved in the current mining plan. Please submit a Technical Revision to update the mining plan if the Operator intends to mine deeper than what is currently approved. If this is the plan, please also provide an explanation of how the mining operations will be conducted in a manner to avoid encountering the groundwater table.

Reclamation Success:

The areas that have undergone reclamation in photos 3, 4, and 32 and that are outlined by the blue polygons in Map 3 have established vegetative cover and appear stable, other than the erosion noted above. The

reclamation appears to be incompliance with the Operator's reclamation plan and with Rule 3.1.5. The Operators are encouraged to continue conducting reclamation as they have moving forward once an area has been mined out.

Signs and Markers:

A problem was cited above for failure to maintain boundary markers around the affected area per Rule 3.1.12(2). The Operator stated there is a boundary marker in the south-western corner of the site, and upon review of the inspection photos a T-post was located (Photo 43). However, all other affected land boundary markers were missing. Additionally, the Division requests that the Operators install markers indicating the 150-200 foot buffer zone between the mining operation and Red Creek and/or indicate the location of this buffer on the next annual report map.

A mine sign in compliance with Rule 3.1.12(1) was observed at the entrance of the site (Photo 1: Map 2).

Topsoil:

A new topsoil pile was observed to the east of the north-eastern corner of the active pit (Photos 10, 11, 14, and 17: Maps 2 and 3). The topsoil stockpile appears stable at this time, but does not have an established vegetative cover. The Division reminds the Operator that per the approved reclamation plan, the topsoil stockpiles shall be preserved with the same seed mixture used for reclamation throughout the site. In addition to the reclamation plan, Rule 3.1.9(3) states that The Board may require immediate planting of an annual and/or perennial on topsoil stockpiles for the purpose of stabilization.

Conclusion:

This concludes the Division's Inspection Report; maps displaying topics discussed during the inspection and a subset of corresponding photographs that were taken during the time of the inspection are included below. If you need additional information or have any questions, please contact me by email at amber.michels@state.co.us or by telephone at (720) 836-0967.

Inspection Contact Address

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CC: Dominga Jimenez-Garcia, Pueblo County
Jared Ebert, DRMS

GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS---------- N	**(FN) FINANCIAL WARRANTY-------- Y**	**(RD) ROADS---------- N**
(HB) HYDROLOGIC BALANCE---------- Y	**(BG) BACKFILL & GRADING---------- PB**	**(EX) EXPLOSIVES--------- N**
(PW) PROCESSING WASTE/TAILING---- N	**(SF) PROCESSING FACILITIES------- N**	**(TS) TOPSOIL---------- Y**
(MP) GENL MINE PLAN COMPLIANCE- PB	**(FW) FISH & WILDLIFE---------- N**	**(RV) REVEGETATION---- N**
(SM) SIGNS AND MARKERS---------- PB	**(SP) STORM WATER MGT PLAN---- N**	**(RS) RECL PLAN/COMP-- Y**
(ES) OVERBURDEN/DEV. WASTE--------- N	**(SC) EROSION/SEDIMENTATION--- N**	**(ST) STIPULATIONS------- N**
(AT) ACID OR TOXIC MATERIALS------- N	**(OD) OFF-SITE DAMAGE----------N**	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cite

PHOTOGRAPHS

Photo 1: Mine sign posted at the entrance to the site.

Photo 2: Looking west from the entrance of the site.

Photo 3: Looking south-west at the southwest corner of the site. The arrows point to the main product stockpiles currently onsite.

Photo 4: Looking north-west from the land to the east of the active pit. The arrow shows where the erosion gully bends to the west.

Photo 5: Looking north at the portion of the erosion gully that goes northward.

Photo 6: Erosion gully pictured in photos 4 and 5.

Photo 7: Looking west at where the erosion gully has caused erosion in the pit's perimeter berm.

Photo 8: Looking east from the eastern pit berm across the erosion gully.

Photo 9: Looking north at the most recent disturbance in the north-east portion of the active pit.

Photo 10: Looking north-east at the most recent disturbance in the north-east portion of the active pit. The arrow points to the current topsoil stockpile (located at Inspection Point A on Map 3).

Photo 11: Looking north-east at the most recent disturbance in the north-east portion of the active pit. The arrow points to the current topsoil stockpile (located at Inspection Point A on Map 3).

Photo 12: Looking south-west across the active pit from the eastern edge of the recent disturbance.

Photo 13: Looking west across the active pit from the eastern edge of the recent disturbance.

Photo 14: Looking north at the recently placed topsoil pile (located at Inspection Point A on Map 3).

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Photo 15: Looking south along the fence that lines the eastern edge of the active area.

Photo 16: Looking north at the north-east corner of the fence that lines the active pit area.

Photo 17: Looking at the recent disturbance from the corner fence post (arrow indicating approximate location of Inspection Point A on Map 3).

Photo 18: Looking south across the recent disturbance at the graded tops of the slopes.

Photo 19: Looking south-west across the pit from the north-eastern disturbance.

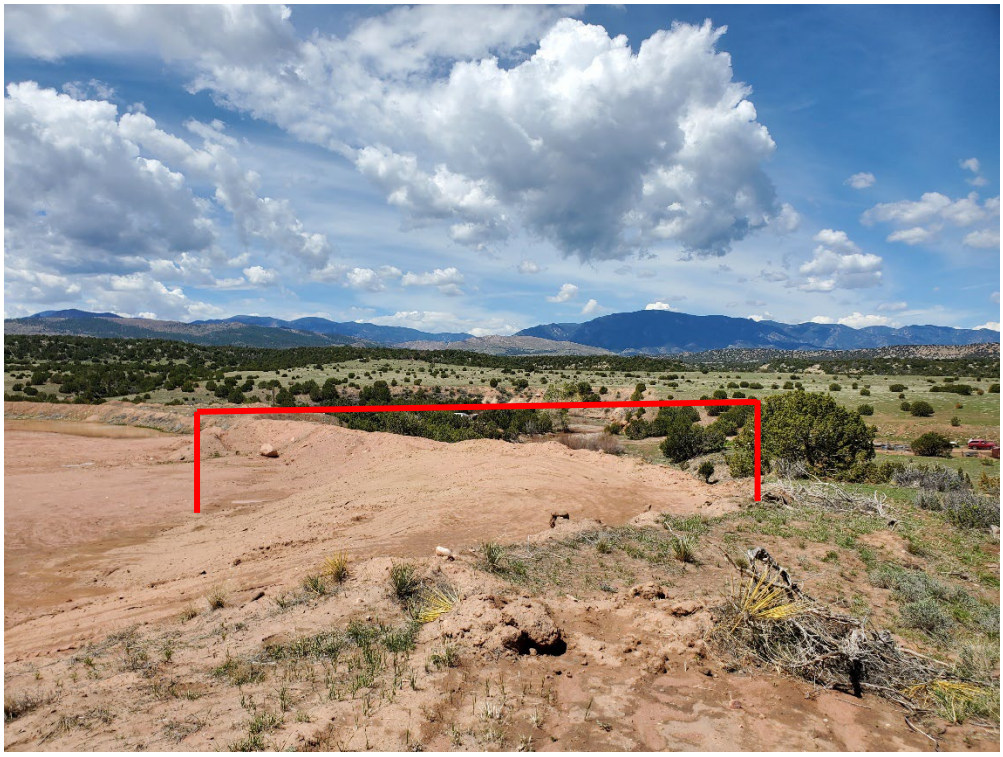


Photo 20: Looking south-west across the pit at the re-established buffer area from the DRMS 2019 inspection problem abatement.

Photo 21: Looking south-west across the pit from the north-eastern disturbance. Along the northern boundary the slopes have been returned to 3H:1V.

Photo 22: Looking southwest across the recently disturbed pit area where small erosional rills have formed.

Photo 23: Looking southwest across the recently disturbed pit area where small erosional rills have formed.

Photo 24: Looking north-west past the affected area at the undisturbed land and adjacent residences.

Photo 25: Looking north-east at the slopes in the newly disturbed area. The bottom portions of the slopes have undergone more erosion than the upper slope.

Photo 26: Looking south-east at the slopes in the newly disturbed area. The bottom portions of the slopes have undergone more erosion than the upper slope.

Photo 27: A pile of material to be crushed located just south of the most recent pit disturbance.

Photo 28: Looking east at screens and grates left from recent mining operations.

Photo 29: Looking east along the northern border of the active pit.

Photo 30: Looking west along the northern border of the pit.

Photo 31: Looking south-west along the western berms surrounding the pit. The area to the right in frame has been graded, topsoiled, and seeded and has been reclaimed for a few years.

Photo 32: Looking west along the area that has been graded, top-soiled, and seeded and has been reclaimed for a few years.

Photo 33: Photo taken from the north-western-most disturbance, looking north-west at a dry portion of Red Creek.

Photo 34: Looking south from behind the north-western-most corner of the pit's perimeter berm.

Photo 35: Looking south-east from behind the north-western-most corner of the pit's perimeter berm.

Photo 36: Looking east from behind the north-western-most corner of the pit's perimeter berm.

Photo 37: Looking north-west from the top of the north-western-most corner of the pit's perimeter berm at Red Creek and residential homes.

Photo 38: Looking south at the south-western-most edge of the active pit area.

Photo 39: Looking east at the large product stockpile in the south-west corner of the active pit.

Photo 40: Looking north-west at the western perimeter berm from the south-western-most edge of the active pit area.

Photo 41: Looking north-east at the large product stockpile in the south-west corner of the active pit.

Photo 42: Looking east across the southern perimeter berm from the south-western-most edge of the active pit area.

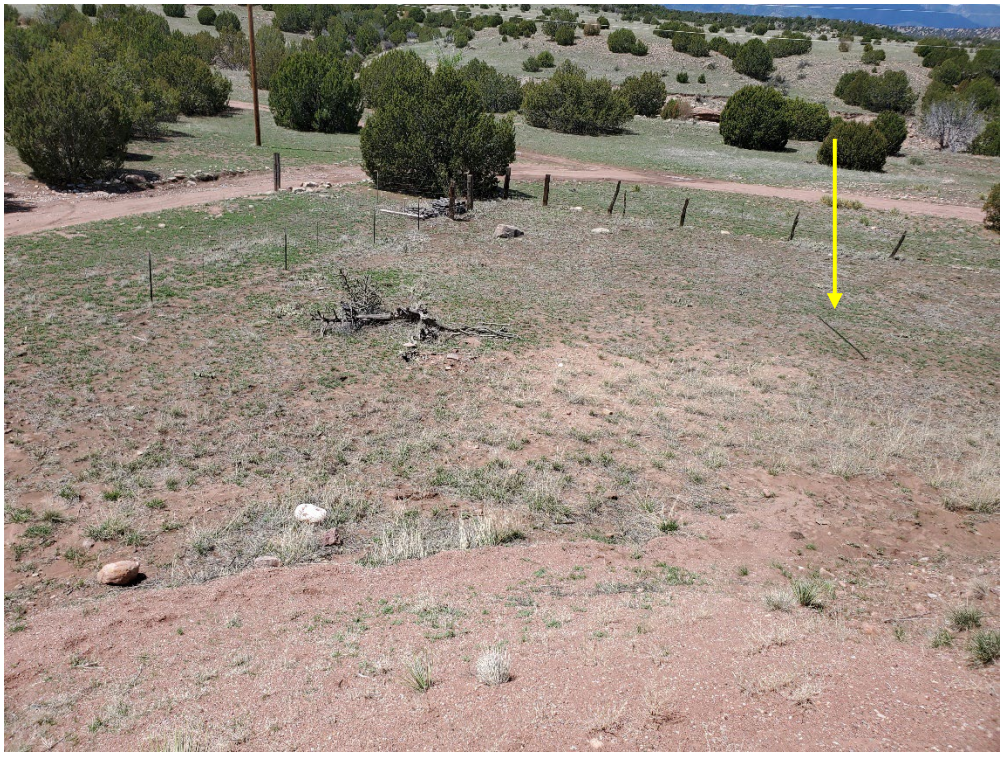


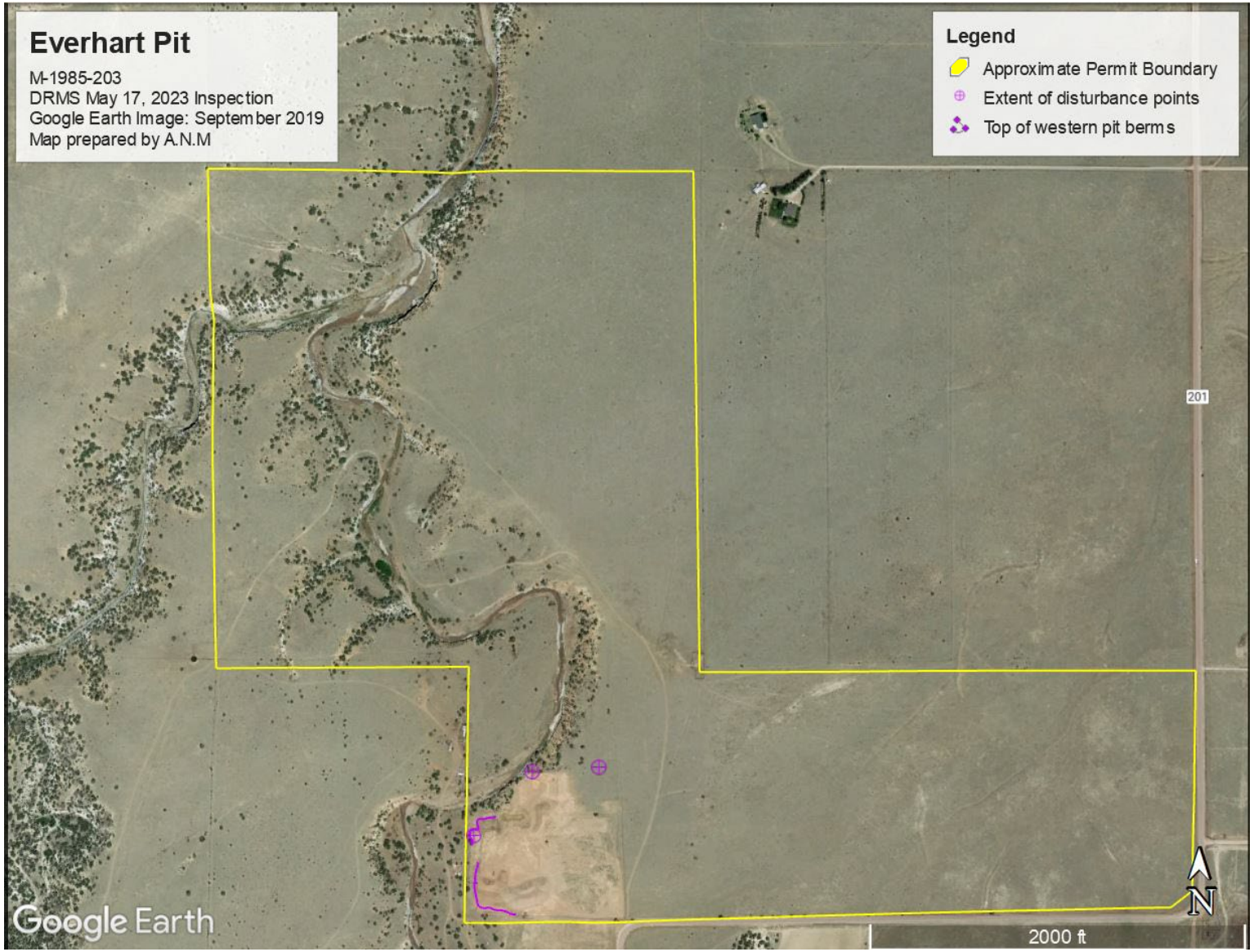
Photo 43: Looking south-west at the south-west corn of the fence surrounding the active pit area. The yellow arrow points to what the Operator believes is the south-western affected boundary marker.

Photo 44: Looking west at the south-western-most edge of the active pit area.

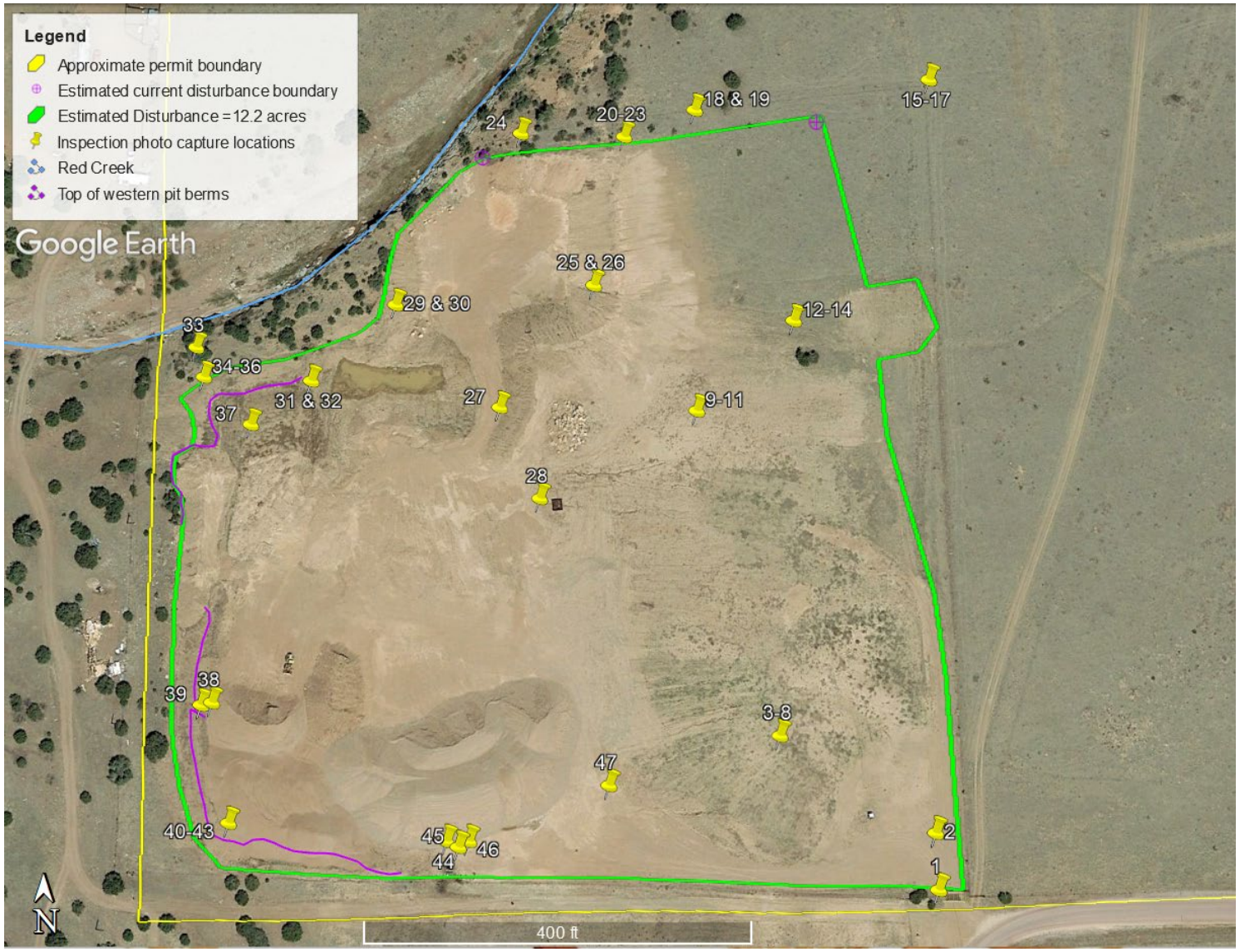
Photo 45: Looking south at the fuel tank stored onsite.

Photo 46: Looking north-east at the small test-pile stockpiles (yellow arrows) that will be used to fix the erosion in the eastern perimeter of the active pit and to slope the edges of the eastern perimeter.

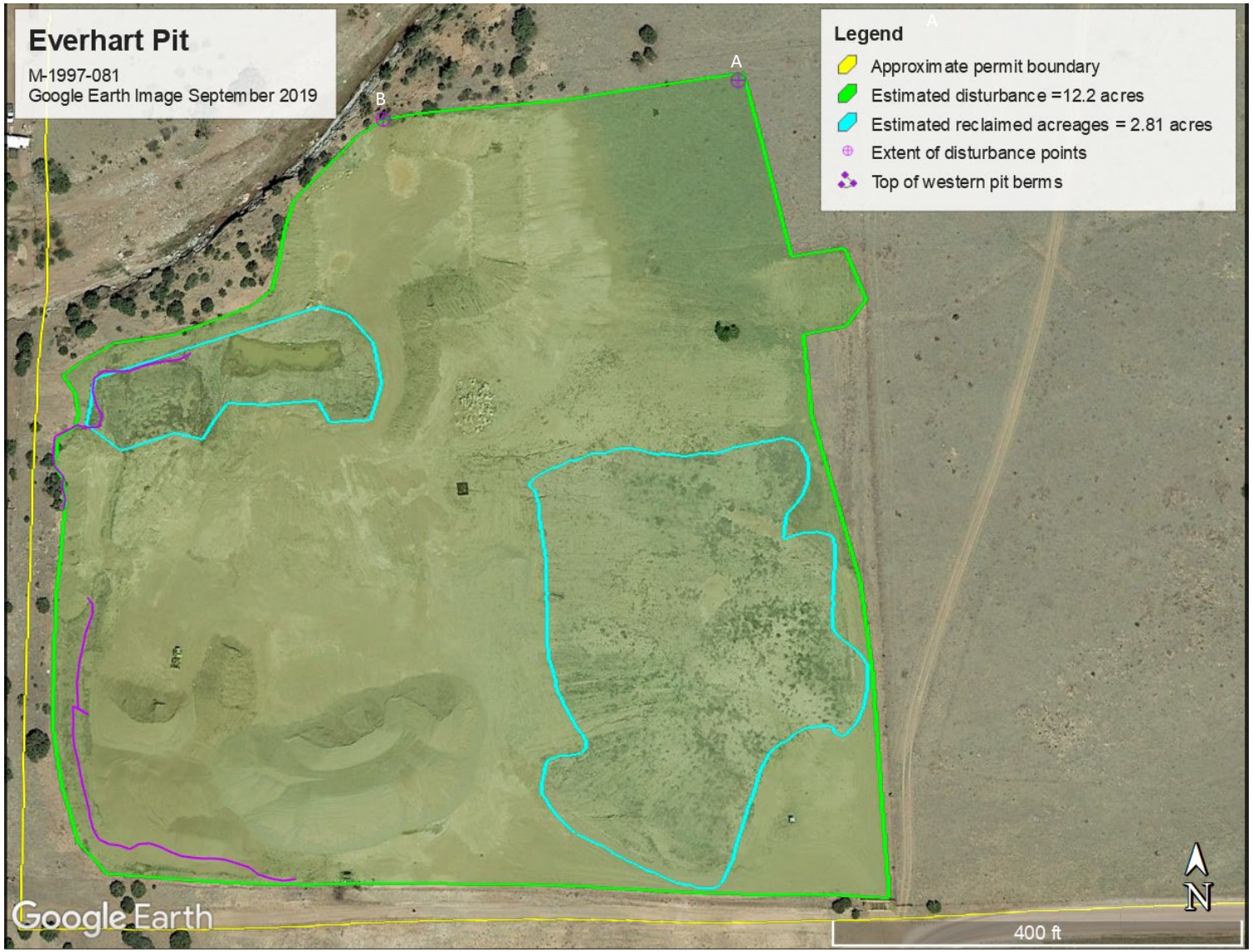
Photo 47: Looking north at one of the small test-pile stockpiles that will be used to fix the erosion in the eastern perimeter of the active pit and to slope the edges of the eastern perimeter.



Map 1: Map of the entire permit boundary. The currently affected area is in the southern-most-west corner.



Map 2: Map indicating the locations where the photos in this inspection report were taken during the inspection. Additionally, inspection points (purple circles).



Map 3: Map showing the approximate current disturbance on site. Inspection point A indicates the location of the recent stockpile, and the extent of the current disturbance. Inspection point B indicates the northern most extent of the disturbance, and the northern extent of the 200-150 foot buffer zone berm.

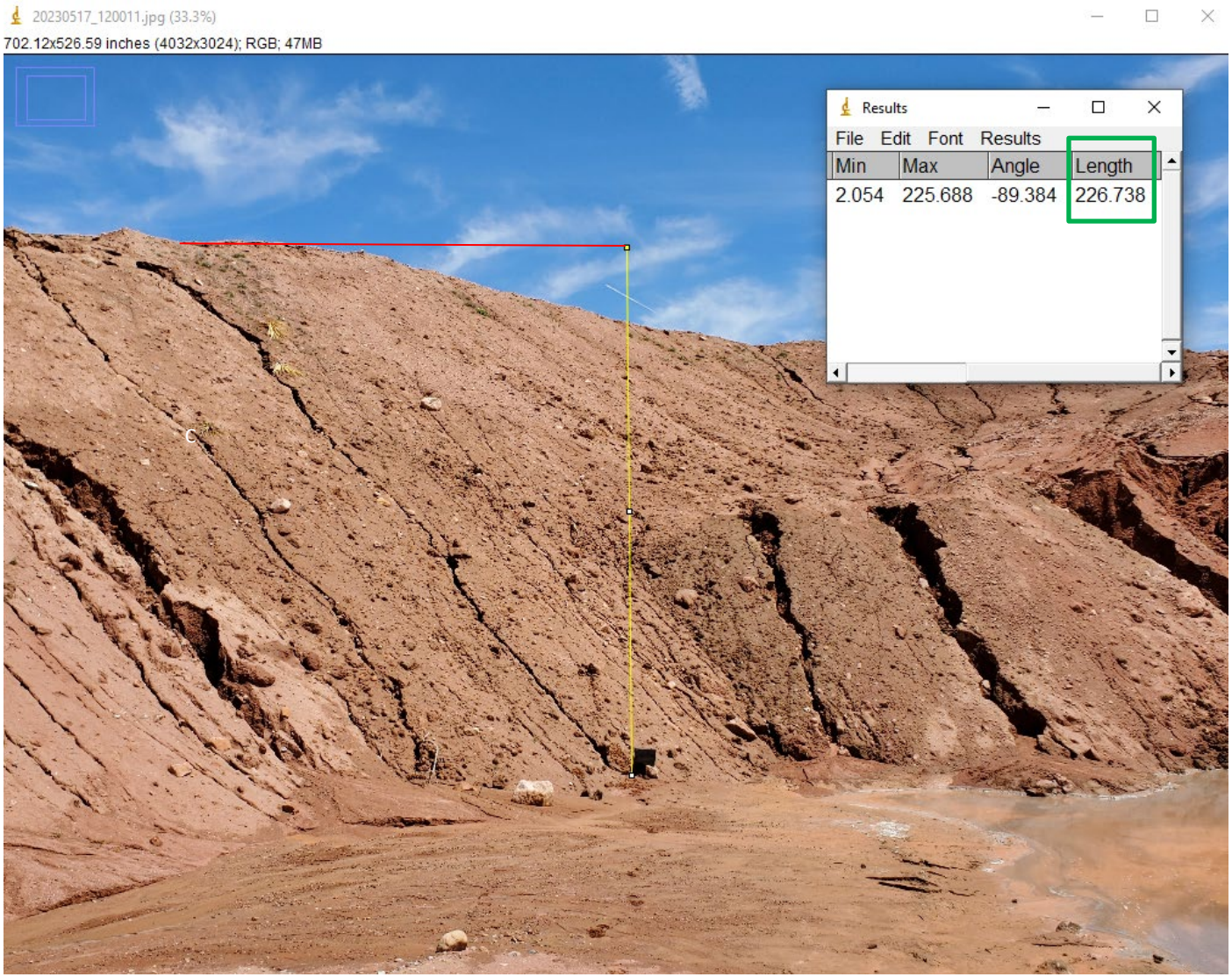


Figure 1: Recent disturbance in the north-eastern corner of the active pit. The height of the pit was estimated at approximately 19ft (226.74 inches) using ImageJ software and an 11.75" tall binder as a scale.